HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1015 (M/S) of 2005

With

Stay Vacation Application No.1420/06

Sadik Ali, S/o Abdul Hamed
R/o Village- Teerath Nagar, Bhogpur Dam,
Tehsil- Jaspur, District- Udham Singh Nagar.

....Petitioner

Vs

1. Commissioner Kumaon Mndal,
   Nainital.
2. Nasim Ahmad S/o Hazi Abdul Gafoor,
   R/o Mohalla Bhoop Singh, Jaspur,
   District- Udham Singh Nagar. .....Respondents

Sri Dinesh Gahtori learned counsel for the petitioner.
Sri Nand Prasad learned Standing Counsel for the State.

Dated: -2-3-2006

Hon'ble B.S. Verma, J.

Heard Sri Dinesh Gahtori learned counsel for the petitioner and Sri Nand Prasad learned Standing counsel for the State.

The present writ petition has been filed by the petitioner with a prayer to issue a writ, order or direction in the nature of certiorari quashing the order dated 10-8-2005 passed by the respondent No.1.

The Commissioner Kumaon Mandal, Nainital vide order dated 10.8.2005 has admitted the appeal No.53 of 2004-2005 filed by Naseem Ahamd against the order passed by S.D.M Jaspur and during the pendency of the appeal respondent No.1 stayed the operation of the order impugned. Aggrieved the petitioner has come up before this court. This court on 13-9-2005 stayed the operation of the impugned order dated 10-8-2005 passed by Commissioner Kumaon Mandal, Nainital. Counter affidavit has been filed by the State on behalf of respondent No.1 and it was stated by the learned standing counsel that the order dated 10-8-2005 was an interim order. If the petitioner has any grievance he may approach to the Commissioner Kumaon Mandal, Nainital. Learned standing counsel has further submitted that the order

dated 13-9-2005 is liable to be vacated and the Commissioner Kumaon Mandal, Nainital is directed to decide the appeal on merits.

The appeal is pending before the learned Commissioner. At this stage the learned counsel for the petitioner has submitted that the appeal may be decided expeditiously by the learned Commissioner. The prayer is innocuous.

Learned Commissioner is directed to decide the appeal within three months form the date of production of the certified copy of this order by the petitioner. The interim order dated 13-9-2005 passed by this court is hereby vacated.

With the said observation, the writ petition is disposed of finally.

(B.S. Verma,J)

Dated:- 2-3-2006
M.K.